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SUBJECT: AMBASSADOR CALLS ON GUATEMALAN VP STEIN

Classified By: Amb. James Derham for reasons 1.4 (b) & (d).

1. (C) Summary and introduction: During his introductory call on Guatemala VP Stein, the Ambassador urged the GOG to push for congressional ratification of Article 98 ahead of the Rome Statute. To strengthen Guatemala's ability to dismantle organized crime, the Ambassador made a pitch for legislation to authorize modern investigation and prosecutorial tools. The Ambassador asked that the GOG investigate threats made against AID-funded exhumers and provide them protection. Stein welcomed the Ambassador to Guatemala, stressing that the U.S. had a friend in the Guatemalan Vice Presidency. End summary.

2. (C) Stein opened the hour-long meeting in his office September 12 by stressing that the Ambassador could count on him "the same way that Guatemala has learned to count on the United States." Stein underscored the Berger Administration's appreciation of excellent working relations with the Embassy and desire to maintain those. He said that Berger, perhaps because of his experience as two-time mayor of Guatemala City, preferred to deal with the issues of the day, tasking Stein with issues of process and planning.

3. (C) The Ambassador urged the GOG to push for congressional ratification of Article 98 ahead of the Rome Statute. He said we were concerned by reports of a renewed push in the Congress to ratify the Rome Statute. The Ambassador reminded Stein that if Guatemala ratified the Rome Statute without having ratified first our Article 98 agreement, the Nethercutt Amendment and ASPA sanctions would kick in, suspending ESF and other assistance. Stein said he was a firm supporter of the ICC and opposed the Article 98 agreement but understood the need to approve Article 98 before the Rome Statute. Stein insinuated that Article 98 was being held up by differences within the opposition FRG party.

4. (C) The Ambassador noted our appreciation of cooperation to combat organized crime, including narcotics trafficking and alien smuggling. He made a pitch for legislation to authorize modern investigation and prosecutorial tools, such as wiretaps with judicial oversight, controlled deliveries, undercover operations and an anti-conspiracy law. Stein said the Berger administration also supported these measures with the appropriate safeguards. He then cautioned the Embassy not to lobby too forcefully for these reforms lest there be a backlash, noting that on this type of issue Latin Americans often bridled at doing the bidding of the U.S.

5. (C) The Ambassador expressed concern about recent threats against the staff of the AID-funded Guatemala Forensic Anthropology Foundation (FAFG), which has been working on high-profile exhumations of massacre victims from the 1980s and 1990s. The Ambassador urged the GOG to investigate the threats and provide protection to the FAFG. Stein recalled that he was the first high-level GOG official to visit an FAFG exhumation in progress and that he was moved by the experience.

6. (C) Stein confirmed to the Ambassador that he was spearheading an effort to revive CICIACS within the constitutional confines outlined by the courts in 2004. He noted strong resistance from Public Ministry prosecutors who felt threatened by CICIACS encroachment on their turf. In an aside, Stein commented that he had come to the conclusion that the original CICIACS agreement had been negotiated in bad faith by former President Portillo's foreign minister, Edgar Gutierrez. Stein noted that the constitutional conflicts in the agreement were so glaring that they must have been intended as "poison pills" to sabotage CICIACS. He pointed out that even though Portillo's administration had negotiated with the UN the CICIACS agreement, Portillo's party (after the change of government) led the charge against CICIACS.

DERHAM